

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE THE MATTER OF:)	
)	
CHARLOTTE GORDON,)	Case No. 17 B 30092
)	Chapter 13
)	Judge: Hunt
Debtor.)	Trustee: Stearns
)	* JOLIET CASE *

NOTICE OF MOTION

TO: Glenn Stearns, Trustee ***ALL MEMBERS OF ATTACHED SERVICE LIST***
801 Warrenville Road
Suite 650
Lisle, Illinois 60532
(Via Electronic Service through ECF)

On May 22, 2020, at 10:30 a.m., or soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Hunt, of the United States Bankruptcy Court, Joliet City Hall 2nd Floor, 150 West Jefferson Street, Joliet, Illinois, and then and there present the attached *Motion to Modify Chapter 13 Plan and Defer Plan Payment Default* at which time you may appear and object.

/s/ Timothy Bell
TIMOTHY BELL
Attorney for Debtor

PROOF OF SERVICE

I, TIMOTHY BELL, state that I served a copy of the above Notice of Motion and Motion by either electronic notice through ECF or mailing same to each of the above-named persons and persons on the attached service list by depositing same in the U.S. Mail at 1429 Plainfield Rd., Joliet, IL 60435 at or by 5:00 p.m. April 23, 2020.

/s/ Timothy Bell
TIMOTHY BELL
Attorney for Debtor

Timothy Bell
Attorney for the Debtor
Law Office of Sara J. Gray
1429 Plainfield Rd.
Joliet, IL 60435
815-723-4543
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0752-1
Case 17-30092
Northern District of Illinois
Chicago
Tue Jan 2 12:55:45 CST 2018

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

U.S. Bankruptcy Court
Eastern Division
219 S Dearborn
7th Floor
Chicago, IL 60604-1702

City of Chicago
121 N. LaSalle Street, Room 700
Chicago, IL 60602-1246

Elmhurst Memorial Hospital
155 E Brush Hill Rd
Elmhurst, IL 60126-5658

HSBC Bank
c/o Shapiro Kreisman & Associates
2121 Waukegan Rd, Ste 301
Deerfield, IL 60015-1831

HSBC Bank USA, National Association as Trust
c/o Wells Fargo Bank, N.A.
MAC# N9286-01Y
1000 Blue Gentian Road
Eagan MN 55121-7700

PLS Loan Store
95 Roosevelt Rd
Lombard, IL 60148-4536

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

The Payday Loan Store
c/o Creditors Bankruptcy Service
P O Box 800849
Dallas, TX 75380-0849

U.S. Department of Housing and Urban Develop
451 7th Street S.W.
Washington, DC 20410-0002

Verizon
by American InfoSource LP as agent
4515 N Santa Fe Ave
Oklahoma City, OK 73118-7901

Wells Fargo Home Mortgage
PO Box 10335
Des Moines, IA 50306-0335

Charlotte Gordon
423 Berkshire Ave
Romeoville, IL 60446-1416

Eric A Mitchell
Mitchell Legal Advocates, Corp
54 N Ottawa St
Suite 100
Joliet, IL 60432-4397

Glenn B Stearns
801 Warrenville Road Suite 650
Lisle, IL 60532-4350

Patrick S Layng
Office of the U.S. Trustee, Region 11
219 S Dearborn St
Room 873
Chicago, IL 60604-2027

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(u)HSBC Bank USA, National Association as Tru

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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE THE MATTER OF:

CHARLOTTE GORDON,

Debtor.

)
)
) Case No. 17 B 30092
) Chapter 13
) Judge: Hunt
) Trustee: Stearns
) * **JOLIET CASE** *

**MOTION TO MODIFY CHAPTER 13 PLAN
AND DEFER PLAN PAYMENT DEFAULT**

NOW COMES the Debtor, Charlotte Gordon, by and through her attorney, Law Office of Sara J. Gray and pursuant to §1329 of the U.S. Bankruptcy Code and the Coronavirus Air, Relief, and Economic Security Act (CARES), moves this Court for an entry of an Order Modifying the Debtors Confirmed Chapter 13 Plan to defer the plan payment default to the end of the Debtors Chapter 13 Plan. The Debtor, in support of the above stated motion states as follows:

1. That on October 6, 2017, the Debtor, Charlotte Gordon, filed a voluntary Chapter 13 Bankruptcy Petition with this Court.
2. That the Debtors bankruptcy plan was confirmed on December 8, 2017.
3. That the Debtors confirmed plan provides for monthly payments of \$406.00 per month for 60 months, with general unsecured creditors to receive 12.98%.
4. However, since the Debtors confirmation of her plan, there was a change in circumstances which warrants a modification in the plan term, and to defer her plan payment default.

5. That due to the COVID-19 Virus, the Debtor has experienced a reduction in household income, causing her to fall behind on her Chapter 13 Plan Payments totaling \$1,629.00 through May 2020.
6. That the Debtors default currently stands at \$1,629.00. This amount will increase to \$2,035.00 as of May 6, 2020.
7. The Debtor made a payment to the trustee (not yet posted) of \$400.00 on April 17, 2020 in the amount of \$400.00
8. The Debtor will also provide the Trustee another payment in the amount of \$406.00 on or before May 22, 2020.
9. The plan payment default as of May 22, 2020, when this Motion is heard, will be \$1,229.00, after both the April 17, 2020 and May payment of \$406.00 are tendered to the Trustee.
10. That the Debtor relies on her Daughter to provide a contribution to the household expenses in order to maintain her monthly budget including the trustee payment. This is indicated in the Debtors petition showing the income provided by her daughter in the Debtors schedules.
11. That due to the COVID-19 lockdown and economic hardship, the Debtor has suffered a decrease in household income due to not receiving the contribution to household expenses, which has caused the Debtor to default in the amount of \$1,229.00.
12. That now, as the work shutdown restrictions are lessening, the Debtor has again started to receive the regular contributions to the household expenses

and will be able to resume making her regular trustee payment starting in May 2020.

13. That Debtor is currently in her 31st Month of Trustee payments. That based on the estimated plan base balance remaining of \$14,377.54 the Debtor would complete her Chapter 13 Plan in approximately 37 months from May 2020.
14. That under the CARES act the debtor suffering direct or indirect economic hardship may be granted up to 7 years, or 84 months from the time of the original filing of the Debtors case. (*§1329(d)(1); §1329(2) US Bankruptcy Code*)
15. That by allowing the Debtor to modify her chapter 13 plan and defer the default to the end of the plan, the Debtor may complete her Chapter 13 payments in approximately 68 months from the original filing of her Chapter 13 bankruptcy case. This is less than 7 years as provided for by the act.
16. That the Debtor has provided an affidavit in support. (*See Exhibit A*)
17. That creditors who have properly filed claims will still receive payment in accordance with the terms of the plan.
18. That allowing the modification of the plan to defer plan payment default would still benefit the bankruptcy estate as creditors would still be paid substantially more than if the case were dismissed or converted to a Chapter 7.
19. The Debtor has filed in good faith, and this modification is the best interest of the Debtor and will allow her to complete their Chapter 13 Bankruptcy.

WHEREFORE, the Debtor, CHARLOTTE GORDON, for the reasons stated above, respectfully request this Honorable Court enter an Order Modifying the Chapter

13 Plan and Defer Plan Payment Default, and for such other relief that this Court may deem just and equitable.

/s/ Timothy Bell
TIMOTHY BELL
Attorney for Debtor

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